

### **Listing of Claims:**

1. (currently amended) An orthopedic cutting guide device for use in resecting a portion of a bone, the device comprising:

a first member having a pivot, and configured to be anchored to the bone;

a second member releasably secured to the first member; and

a cut guide member releasably secured directly to the second member such that the first member is positioned in between the cut guide member and the second member and such that the cut guide member and the second member move together about the pivot of the first member when said second member is selectively released from said first member, wherein said cut guide member is further secured to said second member such that when the cut guide member is selectively released from said second member the cut guide member is thereby permitted to move with respect to said first member independently from said second member;

wherein the orthopedic cutting guide device is configured to be selectively adjusted in both a rotational and translational manner while at least a portion of the first member device is anchored to the bone.

2. (currently amended) The orthopedic cutting guide device of claim 1, wherein said device further comprises at least one securing member adapted to be implanted within and ~~protruding~~ protrude from the bone.

3. (currently amended) The orthopedic cutting guide device of claim 2, wherein the first member is adapted to be anchored to the bone by the at least one securing member.

4. (original) The orthopedic cutting guide device of claim 1, wherein said device further comprises a boom configured as a reference to aid the surgeon in making an anterior cut in the bone, and further aids in the avoidance of notching the bone.

5. (original) The orthopedic cutting guide device of claim 4, wherein the cut guide member comprises a top surface and a bottom surface, said top surface having an opening therein configured for receiving a portion of the boom.

6. (original) The orthopedic cutting guide device of claim 5, wherein the boom comprises a first end and a second end, the first end of said boom being dimensioned to fit within the opening of the cut guide member and configured and dimensioned to be secured therein.

7. (original) The orthopedic cutting guide device of claim 2, wherein said first member comprises at least one through hole dimensioned for permitting the at least one securing member to pass therethrough.

8. (original) The orthopedic cutting guide device of claim 1, wherein said first member comprises a top surface, a bottom surface, an outer wall, a first end and a second end, said outer wall tapering outwardly from a central reference point toward the first end and the second end.

9. (original) The orthopedic cutting guide device of claim 8, wherein said first end and said second end of said first member each act as the pivot, and are each shaped in a substantially rounded configuration.

10. (original) The orthopedic cutting guide device of claim 9, wherein the tapering of the outer wall of the first member results in a height measured between the top surface and the bottom surface at the central reference point that is greater than a height measured between the top surface and bottom surface at the first end and the second end.

11. (original) The orthopedic cutting guide device of claim 1, wherein said first member comprises a central through hole.

12. (original) The orthopedic cutting guide device of claim 1, wherein said first member comprises a central through hole, a first side and a second side, wherein the first side and the second side each comprise a plurality of protrusions located medially and laterally of the central through hole of the first member for interacting with the second member and the cut guide member.

13. (original) The orthopedic cutting guide device of claim 12, wherein said second member comprises a plurality of through holes, and said cut guide member comprises a plurality of through holes, such that the plurality of protrusions of the first side of the first member are inserted into the plurality of through holes of the second member, and the plurality of protrusions of the second side of the first member are inserted into plurality of through holes of the cut guide member, to thereby interact with one another during adjustment of the device.

14. (original) The orthopedic cutting guide device of claim 1, wherein said second member comprises a plurality of through holes.

15. (original) The orthopedic cutting guide device of claim 1, wherein said second member comprises a central through hole and at least one through hole located on either side of the central through hole.

16. (original) The orthopedic cutting guide device of claim 1, wherein said second member comprises at least one translational through hole.

17. (original) The orthopedic cutting guide device of claim 16, wherein said second member comprises a first end and a second end, and wherein said at least one translational through hole comprises a plurality of translational through holes,

and wherein at least one of the plurality of translational through holes is located near each of the first end and the second end of the second member.

18. (original) The orthopedic cutting guide device of claim 16, wherein said at least one translational through hole comprises a substantially elongated shape.

19. (original) The orthopedic cutting guide device of claim 14, wherein the plurality of through holes comprises a central hole, a plurality of translational through holes, and a plurality of through holes located medially and laterally of said central through hole.

20. (original) The orthopedic cutting guide device of claim 15, wherein the at least one through hole is shaped in a substantially arcuate manner.

21. (original) The orthopedic cutting guide device of claim 1, wherein said second member comprises a first protruding wall and a second protruding wall.

22. (original) The orthopedic cutting guide device of claim 21, wherein said second member further comprises a first side and a second side, wherein said first protruding wall and said second protruding wall both protrude outwardly from the second side of the second member in a substantially orthogonal manner.

23. (original) The orthopedic cutting guide device of claim 22, wherein said first protruding wall and said second protruding wall are shaped in a substantially arcuate manner.

24. (original) The orthopedic cutting guide device of claim 1, wherein said second member comprises a series of markings corresponding to a predetermined angle of rotation of the second member.

25. (original) The orthopedic cutting guide device of claim 1, wherein said cut guide member further comprises a recessed surface and a sidewall defining a recessed area.

26. (original) The orthopedic cutting guide device of claim 1, wherein said cut guide member further comprises an anterior portion and a posterior portion, said anterior portion having an anterior cutting guide and said posterior portion having a posterior cutting guide.

27. (original) The orthopedic cutting guide device of claim 26, wherein said cut guide member further comprises a connecting portion located on the anterior side of the cut guide member, said connecting portion comprising an opening for receiving a boom therein.

28. (original) The orthopedic cutting guide device of claim 12, wherein said cut guide member further comprises a plurality of substantially elongated holes configured for interacting with at least one of the plurality of protrusions.

29. (original) The orthopedic cutting guide device of claim 1, wherein said cut guide member further comprises a plurality of receiving holes, each receiving hole configured for receiving an attachment member therein.

30. (original) The orthopedic cutting guide device of claim 1, wherein the device further comprises an attachment member configured for releasably securing the second member to the first member, whereby the surgeon selectively loosens the attachment member thereby releasing said second member from the first member such that the second member and the cut guide member rotate together about the pivot of the first member.

31. (original) The orthopedic cutting guide device of claim 1, wherein the device further comprises at least one attachment member configured for releasably securing the cut guide member to the second member, whereby the surgeon selectively loosens the at least one attachment member thereby releasing the cut guide member from the second member such that the cut guide member moves in said translational manner independent from both the second member and the first member.

32. (original) The orthopedic cutting guide device of claim 1, wherein the cut guide member further comprises an anterior cutting guide formed in an anterior portion of said cut guide member.

33. (original) The orthopedic cutting guide device of claim 32, wherein the anterior cutting guide slopes downwardly in a proximal to distal direction from a back surface to a front surface of the cut guide member such that a resulting anterior cut is tapered.

34. (original) The orthopedic cutting guide device of claim 32, wherein the anterior cutting guide is formed as a slit in the anterior portion of said cut guide member.

35. (original) The orthopedic cutting guide device of claim 1, wherein the cut guide member further comprises a posterior portion having a posterior cutting guide that is configured and dimensioned as a template for making a posterior cut in the bone.

36. (original) The orthopedic cutting guide device of claim 35, wherein the posterior cutting guide comprises a substantially flat surface that enables a surgeon to place a cutting instrument in contact with the substantially flat surface of said posterior cutting guide, such that a cut that is substantially straight and flat can be made.

37. (original) The orthopedic cutting guide device of claim 35, wherein the posterior cutting guide is a bottom edge of the cut guide member.

38-112. (cancelled)